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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 JAMES ANTHONY MORRIS,

No. CIV S-02-2491-FCD-CMK

12 Plaintiff,

13 vs.

ORDER

14 CHERYL PLILER, et al.,

15 Defendants.
16 _____/

17 Plaintiff, a state prisoner proceeding pro se and in forma pauperis, brings this civil
18 rights action pursuant to 42 U.S.C. § 1983. On October 17, 2005, the court issued an order
19 directing the parties to file status reports. The order required plaintiff to file a status report
20 within 30 days of the date of service of the order. On November 14, 2005, plaintiff filed a notice
21 of change of address. That document also recited various problems plaintiff is having in terms of
22 law library access. In the interest of justice, the court granted plaintiff additional time to
23 December 15, 2005, to file a status report. Plaintiff failed to file a status report and, on January
24 13, 2006, the court issued findings and recommendations that this action be dismissed for lack of
25 prosecution and failure to comply with court rules and orders. See Local Rule 11-110.


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1 On February 3, 2006, plaintiff filed objections to the findings and
2 recommendations. In his objections, plaintiff states that his action should not be dismissed
3 because he does not have access to his legal property or the law library. In light of plaintiff's
4 objections, and in the interest of justice, the court will vacate the January 13, 2006, findings and
5 recommendations and provide plaintiff additional time to file a status report pursuant to the
6 October 17, 2005, order.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. The court's January 13, 2006, findings and recommendations are vacated;
- 9 2. Plaintiff is granted an extension of time to March 15, 2006, to file a status
10 report pursuant to the court's October 17, 2005, order; and
- 11 3. Defendants' status report shall be filed within 30 days after service of
12 plaintiff's status report.

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14 DATED: February 9, 2006.

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17 **CRAIG M. KELLISON**
18 UNITED STATES MAGISTRATE JUDGE
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